

## **REMARKS**

Claims 1-9 11-15, 17 18 20-22, 24, 25, and 28-35 have been amended. Claims 1-35 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Claim Objection:**

The Examiner objected to claim 1 because the claim recites “the other peer node” on line 16. The Examiner asserts that “[t]here is insufficient antecedent basis for this limitation in the claim. For examining purpose, ‘another one of the peer nodes’ will be treated as ‘another peer node’”. Applicants have amended claim 1 to recite “a requesting peer node”. Therefore, the removal of the objection to claim 1 is respectfully requested.

### **Section 101 Rejection:**

The Examiner rejected claims 28-35 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The claims have been amended to recite a computer-accessible storage medium, comprising program instructions, wherein the program instructions are computer-executable to implement. Removal of the § 101 rejection of claims 28-35 is respectfully requested.

### **Section 112, Second Paragraph, Rejection:**

The Examiner rejected claims 1, 20 and 28 under 35 U.S.C. § 112, second paragraph, as indefinite.

In regard to claim 1, Applicants traverse the § 112 rejection. However, Applicants have amended claim 1 to recite “wherein the ~~other~~ requesting peer node is configured to...”. Removal of the § 112 rejection of claim 1 is respectfully requested.

In regard to claims 20 and 28, Applicants traverse the § 112 rejection. However, to expedite prosecution, Applicants have amended claims 20 and 28 to recite “one of the other peer nodes”. Removal of the § 112 rejection of claims 20 and 28 is respectfully requested.

#### **Section 102(e) Rejection:**

The Examiner rejected claims 1, 4, 12, 15, 20, 24, 25, 28, 32 and 33 under 35 U.S.C. § 102(e) as being anticipated by Saulpaugh et al. (U.S. Publication 2004/0122903) (hereinafter “Saulpaugh”). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 1, Saulpaugh does not disclose the elements as recited in the amended claim. Saulpaugh is directed at a system and method for location-independent message addressing for a computer network. In Saulpaugh’s system, a plurality of nodes connected to a network may include a first node which is operable to send a message addressed using a “role”. The role may be associated with one or more other nodes coupled to the network. The message may be sent to each of the one or more nodes with which the role is associated without specifying locations of the one or more nodes (i.e., by simply specifying the role). (Saulpaugh, Abstract). Saulpaugh’s “role” is defined as a “location-independent address for a computer network” (paragraph [0068]). A role may be initially associated with a first node, and the role may later be associated with another node in addition to the first node. If a message is then addressed to the role, the message may be sent to the additional node as well as the first node using the name of the role. (paragraph [0009]). Saulpaugh discloses that roles may be “published” (paragraphs [0078]-[0089]), and that a client application (on a node) may be able to “request a role”. To request a role, a node sends a message to the current role requesting to “become that role”. (Paragraph [0082]).

In contrast to Saulpaugh, which is directed at “location-independent message addressing for a computer network” using roles (location-independent addresses for a

computer network), claim 1 of the instant application is directed at caching, advertising and distributing content on a network. Saulpaugh does not disclose elements as recited in amended claim 1.

More specifically, Saulpaugh does not disclose a publisher peer node configured to publish one or more advertisements on the network, wherein each advertisement corresponds to one of the one or more contents cached on the peer node, as is recited in amended claim 1. Nor does Saulpaugh disclose *wherein each advertisement includes information for requesting a corresponding content*, as is recited in amended claim 1.

Furthermore, Saulpaugh does not disclose *at least a subset of the plurality of peer nodes each configured to discover published advertisements on the network and request content corresponding to the discovered advertisements in accordance with the information included in the advertisements*.

Furthermore, Saulpaugh does not disclose wherein the requesting peer node is configured to *cache the content and become a content publisher peer node for the content corresponding to the discovered advertisement*.

Thus, for at least the reasons presented above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested.

Regarding claim 12, Saulpaugh does not disclose *a plurality of content publisher peer nodes coupled to the network, wherein each of the plurality of content publisher peer nodes is configured to cache user-requestable contents and to publish the cached contents on the network*. Saulpaugh is directed at “location-independent message addressing for a computer network” using roles (location-independent addresses for a computer network). In contrast, claim 12 of the instant application is directed at caching, publishing, and distributing user-requestable contents on a network. Furthermore, Saulpaugh does not disclose *a content consumer peer node configured to send a request for a particular content on the network in response to a user request for the particular*

content. Furthermore, Saulpaugh does not disclose the content consumer peer node receiving the particular content from a logically nearest content publisher peer node of a plurality of content publisher peer nodes on the network, wherein a logically nearest peer node is a peer node to which communications over the network take the least time.

Thus, for at least the reasons presented above, the rejection of claim 12 is not supported by the cited art and removal thereof is respectfully requested.

Regarding claim 20, Saulpaugh does not disclose a content publisher peer node caching user-requestable contents and publishing the cached user-requestable contents for access by other peer nodes on a network. Saulpaugh is directed at “location-independent message addressing for a computer network” using roles (location-independent addresses for a computer network). In contrast, claim 20 of the instant application is directed at caching, publishing, and distributing user-requestable contents on a network. Furthermore, Saulpaugh does not disclose one of the other peer nodes requesting a particular content on the network in response to a user request for the particular content, receiving the particular content from the content publisher peer node, caching the received particular content, and publishing the received particular content for access by the other peer nodes on the network.

Thus, for at least the reasons presented above, the rejection of claim 20 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 20 apply equally to claim 28.

### **Section 103(a) Rejection:**

The Examiner rejected claims 2, 3, 5, 8, 9, 13, 14, 18, 19, 21-23 and 29-31 under 35 U.S.C. § 103(a) as being unpatentable over Saulpaugh in view of Marmor et al. (U.S. Publication 2002/0062310) (hereinafter “Marmor”). Applicants respectfully traverse this rejection for at least the following reasons.

As noted above, the Saulpaugh reference is directed at “location-independent message addressing for a computer network” using roles (location-independent addresses for a computer network). In contrast, claim 8 of the instant application is directed at caching, publishing, and distributing user-requestable contents on a network. In addition, the Examiner asserts the Marmor reference discloses “a peer node requesting for service can receive the service...from a nearest peer, this can be done by comparing physical distances between the requesting peer and other peers that host the same instance(s)...”. In contrast to Marmor, which discloses comparing physical distances to determine a physically nearest peer, claim 8 recites a *content consumer peer node configured to receive the particular content from a logically nearest content publisher peer node of the plurality of content publisher peer nodes on the network wherein a logically nearest peer node is a peer node to which communications over the network take the least time*. A logically nearest peer node is not necessarily the physically nearest peer node.

In addition, the Examiner’s reasoning to combine the Saulpaugh and Marmor references does not appear to be a reason that would be applicable to Saulpaugh’s system for location-independent message addressing for a computer network. Saulpaugh is not at all directed at “providing peer-to-peer services”, but is instead directed at location-independent message addressing for a computer network. It is not at all obvious as to how Marmor’s method for detecting a “physically nearest peer” would be applicable in Saulpaugh’s system. Furthermore, combining the references would not produce anything like what is recited in claim 8. Moreover, the Examiner’s reason is merely conclusory.

Thus, for at least the reasons presented above, the rejection of claim 8 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 8 apply equally to claim 18.

The Examiner rejected claims 6, 7, 16, 17, 26, 27, 34 and 35 under 35 U.S.C. § 103(a) as being unpatentable over in view of Lehtikoinen et al. (U.S. Publication 2004/0260701) (hereinafter “Lehtikoinen”). As the rejection of the independent claims

have been shown to be unsupported by the cited art, no further comments in regard to these claims is necessary at this time.

The Examiner rejected claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Saulpaugh and Marmor further in view of Lehtikoinen. As the rejection of the independent claims have been shown to be unsupported by the cited art, no further comments in regard to these claims is necessary at this time.

In regard to the § 102(c) and § 103(a) rejections, Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-08300/RCK.

Respectfully submitted,

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